Justice Committee

Post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012

Written submission from the Scottish Police Federation

I refer to the above and thank you for inviting the Scottish Police Federation (SPF) to assist the Committee with their work on this matter.

The SPF considers that when it comes to policing a great deal of context is often lost/omitted from debates on the efficacy, or problems (perceived or otherwise) of the unified police service. We hope to address some of that in this submission.

In a bid to help the flow of our submission I will address the second question first.

**Have the policy intentions of the 2012 Act in relation to the police service been met?**

The SPF considers that context matters a great deal to content of the policy memorandum and relying on the memorandum in isolation risks skewing responses. A great deal of relevant context was provided in the consultation at that time. For all that the SPF believes the only honest answer to this specific question is yes in some areas and no in others. When we consider the three broad areas in turn we can see that even within each of these, the picture is a mixed one.

The policy aim of *protecting and improving local services* in itself has to be broken down to its two core components to see if that has been delivered. The protection of local services has to be set against the realities of the financial environment in existence when the Police Service of Scotland (PSoS) was conceived. These were referred to in the consultation. It appears to the SPF that many of the critics of the PSoS casually disregard what was arguably the greatest driver for its creation and in doing so risk distorting the benchmarks against which its success ought to be measured.

The SPF therefore considers that set against that reality the creation of the PSoS has protected local services insofar as local services would likely have diminished to a greater extent had the PSoS not been created.

On the other hand the issue of improving local service is one which is altogether more straightforward. The SPF considers that by any measure this specific policy intention has not, and indeed was never likely to be met, at least in the short to medium term. For all that there is considerable nuance attached to our view and it is arguable that this specific area is the one which is inextricably linked with the third policy objective of *strengthening the connection between services and communities*.

There can be little doubt that the PSoS is doing its level best to deliver local services and will no doubt highlight that local means many different things to many different communities. We further believe that attempts will be made to argue that advancements in technology now mean that communities are able to access a whole range of policing services without the need to actually ever see or speak to a police officer.
If we allow the narrative on whether local services have been improved or otherwise to be set by the PSoS, the wider service risks being seen as policing at the public and not policing with them. Most policing is and always should be based on forms of human interaction.

We consider however that the closure and reduction in counter hours in police stations in many communities would be an overly simplistic measure as to how local services are being delivered. It is a factual reality that even prior to the creation of the PSoS many of these stations had little public footfall and in many instances the police officers nominally based at them were routinely working elsewhere. It is critical that this reality is understood as in some areas true local policing was little more than an illusion.

That being said it would be entirely disingenuous to suggest that the creation of the PSoS has improved that situation. It has however removed any illusion of actual service in very stark terms. We will return to this issue in the second half of this submission.

To deliver truly local police services, policing has to be more attuned to community needs. Policing is becoming increasingly reactive and this leads to a draw of resources to areas where reactive demand is greatest. Whilst it was always the case that police officers have been the service of last resort (usually due to inadequate provision in other agencies), there is a sense that this area of demand has itself increased as other agencies cut their service offering due to the austerity being visited upon them. A direct consequence is the police service can find itself as a lightning rod for criticism when shortcomings arguably have their origins elsewhere.

A considerable challenge for the police service is that prevention and preventative work is considered a luxury it can scarcely afford to dedicate people to, whilst reactive demand runs a large proportion of its workforce ragged.

Whilst we consider that opinions on the previous issues will be subjective for many, we also consider that there is likely to be universal support that the third policy intention of creating more equal access to specialist support and national capacity has been achieved.

That equalisation has in part been achieved by a reduction in the geographic availability of some specialists. For example there are now fewer traffic officers across Scotland than before. There are also fewer dogs.

On the other side of the coin there are far more officers working within the serious crime world and the availability of this increase in specialists has meant the service is able to quickly deploy resources in a manner it struggled to previously. Whilst it is now a well-known statistic, the fact the PSoS has solved every murder since its inception is in no small part down to the access to specialist support and national capacity. There are many other areas that would attest to this but serious crime investigation is the most obvious.

In your view, what have been the consequences of the 2012 Act for the police service? Please set out your views on (a) any benefits and (b) any negative consequences of the 2012 Act for the police service.
Self-evidently the single greatest consequence of the Act has been the creation of the PSoS, the Scottish Police Authority (SPA), and Police Investigation and Review Commissioner (PIRC). It is our strong view that the consequence that runs a close second is that policing and its associated structures have never been subject to the intense (at times seemingly relentless) media and political scrutiny that they are now. We also consider that too often the lines of accountability have been blurred and political opportunity has been considered ahead of allowing the structures that exist to discharge their responsibilities. That is not to say that political scrutiny is bad; merely that immediacy of political reaction seldom takes cognisance of real time organisational process.

The SPF considers that many of the original supporters of the creation of the PSoS would argue that it was a product of necessity. We also consider that much of what the service has faced and/or uncovered since its creation has provided as much of a justification for its creation as any of the original reasons.

It is for that reason that we believe the greatest negative for the PSoS is that it often finds itself in the public and political spotlight attempting to justify the cuts and changes that the former forces would in any event have faced. This of course ignores the fact that the basic viability of some of the former forces would have been unlikely, or at least unlikely without a marked deterioration in the type of police service they would have been able to offer.

We need only look at the crumbling IT infrastructure the PSoS inherited from the predecessor forces as an example of this. Without any shadow of doubt the disparate IT systems and the associated complexities in bringing harmony across these is something the service will face criticism for, for many years to come.

Despite the fact that the major ICT project was not delivered (and consequently its organisational and financial benefits not been realised) the anticipated savings still represent a considerable chunk of the money the PSoS is expected to save. In addition to this the business case was compiled before the terrorist threat increased and the expected savings take no account of the extraordinary policing realities of today.

It is particularly worthy of note that in response to the consultation the then Vice President of ACPOS wrote that the figure of £197m was not sustainable as a basis for decision making and that savings of that magnitude could not be delivered without the loss of thousands of officers.

The recent three year financial plan published by the Scottish Police Authority (SPA) suggests that warning is as relevant now as it was then.

We also cannot ignore that the PSoS came into being in the midst of a perfect financial storm. Public sector expenditure was being cut, the true scale of many of the problems the service has faced were unknown, and police officers and staff were experiencing the realities of austerity being visited on them personally through wage stagnation and public sector pension changes.

Externally the SPF believes that the governance landscape is one which has not been as effective as it could have been. We will not rehearse our views on the shortcomings of the historic arrangements but believe the SPA was given a difficult birth, and has struggled to meet its expected role since. The SPF considers that the failure to deliver tangible links to local police scrutiny committees remains
problematic. Of course the responsibility for this sits somewhere between local authorities and the SPA but for as long as this remains unresolved we anticipate criticism will continue.

For all that we consider that the legislative and governance framework within which policing has been designed remains fundamentally sound.

The single overwhelming benefit of the PSoS is that it has ensured policing in Scotland has been able to be maintained and delivered at levels that we consider would simply have been impossible for the former forces at times of austerity. Whilst this might seem overly simplistic, we consider that it nonetheless reflects the absolute reality and is more than enough reason to consider that the creation of the PSoS has, for all its challenges, been a success.

Whilst it might seem counter intuitive we also consider that the uncovering of the problems of the past and recognition of the wider policing vulnerabilities that existed has also been a considerable benefit. This enables the police service to seek to mitigate these vulnerabilities at a time policing and the challenge of keeping people safe has never been more complex.

I trust the foregoing assists your deliberations and as ever, should the Committee have any requests for further information, we will be only too happy to help.

Calum Steele
General Secretary
24 May 2018